

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CHANNETTE CARPENTER, Individually,)
And as Special Administrator of the)
Estate of Baby Carpenter (deceased))
)
)
Plaintiff,) **Case No. 1:07-cv-06918**
) Honorable
v.) Judge Virginia M. Kendall
)
THE CITY OF CHICAGO, et. Al.)
)
Defendants.)

INITIAL STATUS REPORT

Now comes the Plaintiff through her attorney, R. Tamara de Silva and files this Initial Status Report in advance of the Initial Status Hearing in this case set before the Honorable Judge Virginia M. Kendall on February 7, 2008 at 9:00 a.m.

1. Attorneys of Record to Date

The following attorneys have filed their appearance for the Defendants in this case:

- a) Marc J. Boxerman
City of Chicago Department of Law
30 N. LaSalle St., Suite 1400
Chicago, Illinois 60602
for Defendants Chicago Police Officers Paul Lorenz, Matthew D. Shea, Dominick Doris and Rebecca Garcia

- b) Bhairav Radia
City of Chicago Department of Law
30 N. LaSalle St., Room 1020
Chicago, Illinois 60602
for Defendant City of Chicago

c) Rita C. Moran
City of Chicago Department of Law
30 N. LaSalle St., Room 1020
Chicago, Illinois 60602
for Defendant City of Chicago

d) Andrew J. Creighton
Assistant State's Attorney
Medical Litigation Unit
301 Richard J. Daley Center
Chicago, Illinois 60602
for Defendant County of Cook

Plaintiff's attorney of record is R. Tamara de Silva 39 South LaSalle St., Suite 1400 Chicago, Illinois 60603

2. Basis for Federal Jurisdiction

This is a civil action arising under 42 U.S.C. § 1983 et. Seq., and 42 U.S.C. § 1985, and the Fourth, Fifth, Eighth and Fourteenth Amendments of the United States Constitution. This Court has jurisdiction pursuant to the Judicial Code, 28 U.S.C. §§ 1331 and 1343(a) and under the doctrine of pendent jurisdiction. Venue in this Court is proper pursuant to Judicial Code, 28 U.S.C. § 1391(b) because all defendants reside in this District.

3. Nature of Claims Asserted in Plaintiff's Complaint

Plaintiff's claims against the multiple Defendants in this case are based on civil rights violations and violations of Illinois Hate Crimes Act, the Illinois common law of torts and the Constitution of the State of Illinois. At the present time, the Plaintiff is unaware of any counterclaims.

4. Name of any Party or Parties Not Yet Served

Plaintiff has not served presently unidentified individual medical doctors, who attended upon Plaintiff and were responsible for Plaintiff's treatment and care and the lack thereof, during Plaintiff's receipt of medical treatment at Cermak Health Services. Plaintiff has issued numerous subpoenas to Cermak Health Services and is attempting to identify and serve the presently unknown medical professionals.

5. Principal Legal Issues

The legal issues in this case are:

- a) deprivation of Plaintiffs civil rights by Defendants while acting under the color of law as Chicago Police Officials and City Officials;
- b) the commission of the torts of assault and battery, false imprisonment, the intentional infliction of emotional distress, wrongful death, battery of an unborn child, negligent homicide of the unborn child of Channette Carpenter, the intentional homicide of Baby Carpenter, medical malpractice, loss of society; and
- c) for depriving Plaintiff, while acting under the color of law as Chicago Police Officials and City Officials of rights secured by the Constitution of the State of Illinois and the laws of the State of Illinois.

6. Principal Factual Issues

The principal issues of fact in this case are, et. al.:

- a) whether the Defendant Police Officers actions were without probable cause or legal justification;
- b) whether the actions and inactions of Cermak Health Services and Cook County with respect to Plaintiff's medical treatment at Cermak Health Services constitute negligence;
- c) whether the Defendants assaulted and battered Plaintiff and Plaintiff's unborn child;
- d) whether the Defendants falsely imprisoned Plaintiff without probable cause or legal justification;
- e) whether the actions of the Plaintiffs caused the death of Plaintiff's unborn child;
- f) the parties' disagreement about all other facts stated in the Factual Allegations section found within Plaintiff's Complaint.

7. Plaintiff Demands Trial by Jury.

8. Status of Discovery

To date the status of discovery in this case is as follows:

- a) Plaintiff has served two subpoenas on Cermak Health Services;
- b) Plaintiff anticipates extensive discovery in this case, the substance of which has not yet begun;
- c) Defendant, County of Cook through its attorney, Andrew J. Creighton has filed a "Motion to Strike and or Dismiss Plaintiff's Complaint" on February 1, 2008 and a "Motion to Dismiss Cermak Health Services of Cook County" on January 2, 2008;
- d) To date there have been no previously entered rulings on substantive issues in this case;
- e) To date there have been no previously filed status reports.

9. **Plaintiff Does Not Consent to Trial of this Case Before the Magistrate Judge.**

10. **Earliest Date for Trial**

Plaintiff's counsel anticipates that the earliest date Plaintiff will be prepared for trial will be April 13, 2009 and that the trial will last at least one week.

11. **No Discussion of Settlement or the Possibility of Settlement Have Taken Place.**

Respectfully submitted,

s/**R. Tamara de Silva**
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